Remarks

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing Amendment to the Claims, claims 1-31 are pending in the application, of which claims 1, 7, 15, 17, 21, 24, and 28 are independent. By the foregoing Amendment, claim 16 is sought to be amended. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding objections and rejections.

Objection to the Abstract

The Examiner, on page 2 of the Office Action, has objected to the abstract because of proper content. Applicant has rewritten the Abstract to overcome this objection. Please replace the original Abstract with the new Abstract that is attached. Applicant respectfully requests that the Examiner consider the new Abstract and withdraw the objection.

Summary of the Invention

The Examiner, on page 3 of the Office Action, has requested that Applicant add a "Summary of the Invention" description to the application. However, Applicant would like to kindly point out that both the M.P.E.P. and 37 C.F.R. §1.73 do not require the presence of a "Summary of the Invention" in a patent application. They merely indicate where in the application the "Summary of the Invention" should be placed if Applicant was to elect to include one.

In particular, 37 C.F.R. § 1.73 does not state "must" or "shall." Accordingly, Applicant has elected not to include a "Summary of the Invention" as this is within the discretion of the Applicant.

Rejection under 35 U.S.C. § 103

The Examiner, on pages 3-4 of the Office Action, states that claims 1-6 and 15-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,363,488 to Ginter *et al.* (hereinafter "Ginter") in view of U.S. Patent Application Publication No. US200/0116418 to Lachhwani *et al.* (hereinafter "Lachhwani"). Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Regarding claim 1, the Examiner states that:

> Ginter discloses a method of compiling electronic data (see Abstract) comprising: (a) receiving electronic data on a computing platform from at least one external source (see col. 55, lines 9-19); (b) inserting at least a portion of the collected data into one or more data field, wherein said one or more data fields comprise an electronic scoreboard of interrelated data (see col. 38, lines 23-45); (c) updating said electronic scoreboard of data (see col. 23, lines 23-45 et seq); and (d) calculating at least one measurement of updated scoreboard data (col. 35, lines 25-30 et seq).

Applicant respectfully disagrees. Unlike the present invention, which teaches generating electronic reports, Ginter teaches a method for secure transaction management and electronic rights protection. *Ginter*, Abstract; col. 1, lines 14-26. Ginter does not teach or suggest every element of Applicant's invention. For example, referring to independent claim 1, Ginter does not teach or suggest at least the following claimed elements:

(b)   inserting at least a portion of the collected data into one or more data fields, wherein said one or more data fields comprise an electronic scoreboard of interrelated data;

(c)   updating said electronic scoreboard of data; and

(d)   calculating at least one measurement of updated scoreboard data.

In fact, Ginter does not teach or suggest an electronic scoreboard. Instead, Ginter teaches locations for inserting fingerprints and incorporating fingerprinting into a property (see *Ginter*, col. 38, lines 23-45), a process of defining a user defined information increment and the predefined increment types (*Ginter*, col. 23, lines 23-45), and audit reconciliation and usage pattern evaluation processes that assess whether certain violations of security of a Virtual Distribution Environment (VDE) arrangement have occurred (*Ginter*, col. 35, lines 25-30). Thus, unlike the present invention, Ginter teaches security methods.

The Examiner, after stating that Ginter discloses Applicant's claim 1, which includes an electronic scoreboard, admits that "Ginter does not explicitly indicate the claimed "scoreboard." *See* Office Action, page 4, (Jan. 28, 2004). The Examiner further states that Lachhwani discloses this feature and that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Ginter and Lachhwani because "scoreboard data of Lachhwani's teachings would have allowed Ginter's system to generate a document in the display, as suggested by Lachhwani at paragraph 0007 et seq. Scoreboard data as taught by Lachhwani improves to create a document in the digital network system in the database (see paragraph 0008, Lachhwani)." *Id.* at 4-5.

Applicant agrees, as indicated above, that Ginter does not disclose an electronic scoreboard. Applicant respectfully disagrees that Lachhwani solves the deficiencies of Ginter.

Unlike the present invention, Lachhwani teaches a method "for creating and editing electronic layouts, such as layouts used to create web pages, via digital networks." *See Lachhwani*, Abstract; paragraphs 0007-0008. Lachhwani only lists scoreboard displays as a type of electronic layout or document. *Lachhwani*, paragraphs 0004 and 0027.

Thus, for at least the above reasons, Applicant respectfully submits that claim 1, and the claims that depend therefrom (claims 2-6), are patentable over the cited references.

With respect to independent claim 15, Ginter does not teach or suggest at least the following claimed elements:

(b) inserting the collection of electronic data into a plurality of associated data fields;

(c) assigning scores to at least a portion of the data contained in the plurality of data fields; and

(d) issuing electronic reports based at least in part on said scores.

Instead, Ginter teaches locations for inserting fingerprints and incorporating fingerprinting into a property (see *Ginter*, col. 38, lines 23-45), a usage analyst for analyzing reported usage information, a report creator for creating reports based on usage, and a report receiver for receiving reports from content users (*Ginter*, col. 55, lines 10-25). Thus, for at least the reasons stated above, claim 15 and the claim that depends therefrom (claim 16), are patentable over the cited references.

Thus, neither Ginter nor Lachhwani, separately or in combination, teach or suggest Applicant's claimed invention as recited in independent claims 1 and 15. For at least the reasons stated above, claims 1 and 15, and the claims that depend therefrom are patentable over the cited references. Applicant respectfully requests that the Examiner

reconsider and withdraw the rejection of claims 1 and 15, and the claims that depend therefrom (claims 2-6 and 16, respectively).

Rejection under 35 U.S.C. § 102

The Examiner, on page 7 of the Office Action, states that claims 7-14 and 17-31 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,363,488 to Ginter *et al.* (hereinafter "Ginter"). Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With respect to independent claims 7, 17, 21, 24, and 28, the Examiner states that Ginter teaches every element of these claims. Applicant respectfully disagrees.

Contrary to the present invention, Ginter teaches a method for secure transaction management and electronic rights protection. *Ginter*, Abstract; col. 1, lines 14-26. Ginter does not teach or suggest every element of Applicant's invention. For example, referring to independent claim 7, Ginter does not teach or suggest at least the following claimed element:

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determining whether to designate at least a portion of the electronic data related to the one or more measurement values for reporting, based at least in part on the comparison.

Ginter does not teach determining whether to designate at least a portion of the electronic data related to the one or more measurement values for reporting, based at least in part on the comparison. Instead, Ginter teaches that information reported to a financial clearinghouse may cause the financial clearinghouse to generate a bill and send it to the content user (*Ginter*, col. 55, line 60 – col. 56, line 2).

For at least these reasons, Ginter does not include each and every element of Applicants' claimed invention recited in independent claim 7, and the claims that depend therefrom (claims 8-14). Applicant respectfully submits that claims 7-14 are not anticipated by Ginter.

With respect to independent claim 17, Ginter does not teach or suggest at least the following claimed elements:

compiling said interrelated data into a plurality of data fields, said data fields arranged to provide sample statistics of said interrelated data;

updating said interrelated electronic data fields with additional data regarding more recent electronic transactions occurring via said at least one selected web site, wherein said updating updates said sample statistics;

after at least one update, comparing said updated sample statistics with at least one preset threshold value; and

generating at least one report based at least in part on the comparison.

Unlike the present invention, Ginter teaches locations for inserting fingerprints and incorporating fingerprinting into a property (see *Ginter*, col. 38, lines 23-45), audit reconciliation and usage pattern evaluation processes that assess whether certain violations of security of a Virtual Distribution Environment (VDE) arrangement have

occurred (*Ginter*, col. 35, lines 25-30), and a usage analyst for analyzing reported usage information, a report creator for creating reports based on usage, and a report receiver for receiving reports from content users (*Ginter*, col. 55, lines 10-25).

For at least these reasons, Ginter does not include each and every element of Applicants' claimed invention recited in independent claim 17, and the claims that depend therefrom (claims 18-20). Applicant respectfully submits that claims 17-20 are not anticipated by Ginter.

With respect to independent claim 21, Ginter does not teach or suggest at least the following claimed element: receiving at least a portion of electronic data reports from at least one external source, wherein the electronic data reports comprise electronic data collected and compiled, and reported based at least in part on a priority system. Instead, Ginter teaches that information reported to a financial clearinghouse may cause the financial clearinghouse to generate a bill and send it to the content user (*Ginter*, col. 55, line 60 – col. 56, line 2).

For at least these reasons, Ginter does not include each and every element of Applicants' claimed invention recited in independent claim 21, and the claims that depend therefrom (claims 22-23). Applicant respectfully submits that claims 21-23 are not anticipated by Ginter.

With respect to independent claims 24 and 28, Ginter does not teach or suggest at least the following claimed element: reporting said compiled electronic data based at least in part on a priority basis. Instead, Ginter teaches that information reported to a financial clearinghouse may cause the financial clearinghouse to generate a bill and send it to the content user (*Ginter*, col. 55, line 60 – col. 56, line 2).

For at least these reasons, Ginter does not include each and every element of Applicants' claimed invention recited in independent claims 24 and 28, and the claims that depend therefrom (claims 25-27 and 29-31, respectively). Applicant respectfully submits that claims 24-31 are not anticipated by Ginter.

Therefore, independent claims 7, 17, 21, 24, and 28, and the claims that depend therefrom, respectively, are patentable over Ginter. Reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

Intel Corporation

Crystal D. Sayles
Senior Attorney
Intel Americas, Inc.
Registration No. 44,318
(703) 633-6829

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c/o Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026